

Exhibit 3

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LAND COURT

REGULAR SYSTEM

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BRIAN B. CUSTER, ESQ. (808) 354-2488

TAX MAP KEY No.: Oahu 9-2-014-090

Total Pages

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Application No. 1069

of

1 L.D. Case NO. 11-1-2518

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawai'i

**PETITION OF JOYCELYN WANDA UNCIANO TO CANCEL LAND COURT ORDER 186175
AND AMENDMENT OF TRANSFER CERTIFICATE OF TITLE NO. 546,739**

AFFIDAVIT OF BRIAN B. CUSTER

AFFIDAVIT OF JOYCELYN WANDA UNCIANO

EXHIBITS 1-6

ORDER TO SHOW CAUSE

CITATION

Brian B. Custer, Esq.
947 12th Avenue, Hon. Hawaii 96816
Attorney for Joycelyn Wanda Unciano

LAND COURT
STATE OF HAWAII
FILED

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Application No. 1069

2011 AUG -4 AM 11:46

KATHLEEN HANAWAHINE
REGISTRAR

of

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawai'i

**PETITION OF JOYCELYN WANDA UNCIANO TO CANCEL LAND COURT ORDER
186175 AND AMENDMENT OF TRANSFER CERTIFICATE OF TITLE NO. 546,739**

TO THE HONORABLE PRESIDING JUDGE OF THE LAND COURT
OF THE STATE OF HAWAII

COMES NOW, JOYCELYN WANDA UNCIANO, (hereinafter called the "Petitioner"),
through her undersigned counsel, and respectfully prays for this Court to cancel Land
Court Order 186175 for an Amendment of Transfer Certificate of Title No. 546,739 and
Order for the following reasons:

- A. Lack of subject matter jurisdiction pursuant to 28 U.S.C. §1446 (d) and §1447 (c), as the validity of the Assignment of Mortgage to GMAC Mortgage, LLC was removed to federal court on November 9, 2010, and no order of remand was issued by the Federal Court in Tom and Unciano v. GMAC Mortgage, LLC et al, Civ No. 10-00653. *Mathewson v. Aloha Airlines, Inc.*, 82 Haw. 57, 70, 919 P.2d 969, 982 (1996), *Lucky Friday Silver-Lead Mines Co. v. Atlas Mining Co., et al*, 88 Idaho 11, 16, 395 P.2d 477, 479 (1964). Exhibits 1-5.
- B. Lack of notice to all parties of interest as mandated by Hawaii Rules of Land Court, Rule 65, and HRS §501-196, Unciano is the registered owner of TCT 546,739 and did not receive any prior notice of the Petition of GMAC Mortgage, LLC. *Mason v. Wailea Resort Co.*, 79 Haw. 56, 897 P.2d 983 (Haw. App. 1995). Exhibits 1& 2 and Affidavit of Joycelyn Wanda Unciano.

[SIGNATURE AND NOTARY ACKNOWLEDGEMENT CONTINUED ON NEXT PAGE]

Brian B. Custer

BRIAN B. CUSTER, ESQ.

Attorney for Joycelyn Wanda Unciano
Petitioner and Party in interest

Subscribed and Sworn to before me this 15th day of July 2011

Amelia C. Marcos

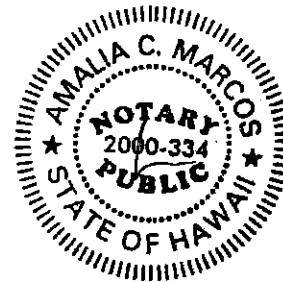
Notary Public, State of Hawai'i

Amelia C. Marcos

Printed Name of Notary

My commission expires:

07/09/2012



Doc. Date: JUL 15 2011

Pages: 3

Name: Amelia C. Marcos

First Circuit

Doc. Description: PETITION OF JOYCELYN WANDA UNCIANO
TO CANCEL LAND COURT ORDER 186175 + AMENDMENT OF TRANSFER CERTIFICATE

JUL 15 2011

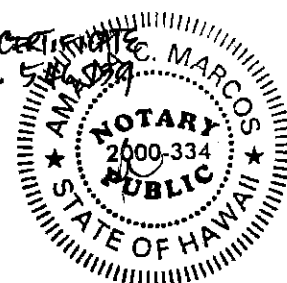
AT TITLE NO. 546,739

Amelia C. Marcos

Signature

Date

NOTARY CERTIFICATION



Application No. 1069,, In the Matter of the Application of Trustees under the Will and of the Estate of James Campbell, deceased, to register and confirm title to land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawai'i; PETITION OF JOYCELYN WANDA UNCIANO TO CANCEL LAND COURT ORDER 186175 AND AMENDMENT OF TRANSFER CERTIFICATE OF TITLE NO. 546,739

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Application No. 1069

of

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawai'i

AFFIDAVIT OF BRIAN B. CUSTER

1. On March 2, 2011, the Petition of GMAC Mortgage, LLC for Amendment of Transfer Certificate of Title 546,739 and Order was filed in the Land Court, (hereafter referred to as GMAC Petition), by Peter Knapman, counsel for GMAC Mortgage, LLC. See Exhibit 1.

2. On March 3, 2011, the GMAC Petition was recorded as Land Court Order 186175. Id.

3. The GMAC Petition, executed by Peter Knapman on March 1, 2011, and filed in the Land Court on March 2, 2011, claims there was "*a scrivener's error*" in the Assignment of Mortgage dated August 27, 2010(sic), by and between Homecomings Financial Network, Inc., Assignor, and GMAC Mortgage, LLC, as Assignee and requested this Court change Homecomings Financial Network, Inc, to Homecomings Financial LLC. Id.

4. UNCIANO is the registered owner of the subject property and a party in interest. Exhibit 2 and Affidavit of Joycelyn W. Unciano, (hereafter Aff. of Unciano").

A. LACK OF JURISDICTION 28 U.S.C. 1446 (d) & 1447 (c) Validity of Assignment of Mortgage Subject of Litigation in Federal Court.

5. Petitioner requests the GMAC Petition be canceled because at the time of submission to this Court the issue of the validity of the Assignment of Mortgage from Homecomings Financial Network, Inc. to GMAC, (attached to Exhibit 1), has been the subject of litigation between Unciano et al and GMAC et al, since October 25, 2010 and

removed to Federal District Court on November 9, 2010, by Defendant GMAC^{1 2} pursuant to 28 USC §1446(d), where the case still remains:

"Promptly after filing of such notice of removal of a civil action the defendant or defendants shall give written notice to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until the case is remanded".

Exhibit 3 and see Affidavit of Joycelyn Unciano. Mathewson v. Aloha Airlines, Inc., 82 Haw. 57, 70, 919 P.2d 969, 982 (1996), Lucky Friday Silver-Lead Mines Co. v. Atlas Mining Co., et al., 88 Idaho 11, 16, 395 P.2d 477, 479 (1964).

PROCEDURAL BACKGROUND

6. On October 25, 2010 Petitioner filed her Complaint against GMAC Mortgage, LLC, et al, in the Circuit Court of the First Circuit, Civil No. 10-1-2273-10 (KKS), after David Rosen, Esq., then counsel for GMAC, initiated a Notice of Intention to Foreclose under Power of Sale, and claimed that the judicial foreclosure action pending in Civil No 03-1-1029-05 "*has no effect on his client*". See Aff. of Unciano.

7. On October 27, 2010, Petitioner also obtained an Order Granting her TRO to enjoin GMAC and Rosen from proceeding with the October 29, 2010 Auction. Id. See

¹ Petitioner requests this Honorable Court take judicial notice of the files and records of US District Court-District of Hawaii Civ No. 10-00653, Tom and Unciano v. GMAC Mortgage LLC et al.; the files and records of the Circuit Court of the First Circuit State of Hawaii, Civil No. 10-1-2272 (KKS), Tom and Unciano v. GMAC Mortgage, LLC et al.; and the files and records of the Circuit Court of the First Circuit, Civil No 03-1-1029-05, Washington Mutual v. Tom et al.

² Petitioner's October 25, 2010 Complaint and First Amended Complaint filed on December 13, 2010 in the US District Court after removal from the First Circuit Court, alleged, *inter alia*, that the Assignment of Mortgage from Homecomings Financial Network, Inc. to GMAC Mortgage, LLC was fraudulent, negligent, or otherwise invalid because the document was executed by Kristine Wilson, as vice president of Homecomings Financial Network, Inc., while she was employed by GMAC as a Limited Signing Officer as she also executed GMAC'S Notice of Intention to Foreclose Under Power of Sale. See Exhibit 4. See Also Exhibits 1 & 2 attached to Oct. 25, 2010 Complaint in Civil No, 10-1-2273 (10)(KKS), and First Amended Complaint in Civ. No. 10-00653(SO(BMK)). Wilson has been identified as a "*Robo-Signer*" in a Washington Post article, dated September 26, 2010, and GMAC has withdrawn her affidavits in numerous cases as she executed documents without having any actual knowledge of the information being sworn to. Petitioner also requests this Honorable Court take judicial notice of the September 26, 2010 article published in the Washington Post, a copy is attached hereto as Exhibit 6.

See Exhibit 4.

8. On November 9, 2010, GMAC then filed its Notice of Removal to Federal Court. *Id.* See Exhibit 3.

9. In the federal case, a hearing was scheduled for April 4, 2011 on GMAC's Motion to Dismiss Plaintiffs' Complaint filed October 25, 2010. Exhibit 5.

10. The Petition of GMAC for Amendment of TCT 546,739 was submitted to the Land Court on March 1, 2011, approved and filed by the registrar on March 2, 2011, and Recorded as Land Court Order 186175 on March 3, 2011, while the federal case was pending. *Id.* See Exhibit 1, 3-5, and court records in Federal Case No. Civ. 10-00653 (SOM) (BMK) adopted and incorporated herein by reference.

FEDERAL JURISDICTION OVER VALIDITY OF ASSIGNMENT OF MORTGAGE

11. In review of the federal statutory scheme for removal, the Supreme Court of Hawai'i has determined that; "*after removal, a federal court acquires full and exclusive jurisdiction over the litigation.*" Mathewson 82 Haw. at 70, 919 P.2d at 982.

12. "*Moreover, the federal court is not divested of jurisdiction until the proper procedures for remanding the case have been followed.*" *Id.*

13. In Mathewson, the Hawaii Supreme Court reviewed 28 U.S.C. 1447(c) and federal case law to determine when does a state court reacquire jurisdiction after a case has been removed to federal court, divesting the state court of subject matter jurisdiction, and held that the Circuit Court had reacquired subject matter jurisdiction over the claim after the federal court issued an order to remand, and the federal court clerk had mailed the order to the state court. *Id.*

14. In a similar case, Lucky Friday Silver-Lead Mines Co. v. Atlas Mining Co., et al, the Idaho Supreme Court, after reviewing the federal statutory scheme for removal/remand as well as an extensive review of state and federal case law, determined that an order of removal filed in the Idaho Land Court divested jurisdiction *from all state courts* until the Order of Remand was issued. Lucky Friday Silver-Lead Mines Co. v. Atlas Mining Co., et al, 88 Idaho 11, 16, 395 P.2d 477, 479 (1964), (*emphasis added*)

15. On March 1, 2010 when the GMAC Petition was submitted to the Land Court, and on March 3, 2010 when Land Court Order 186175 was recorded on TCT 546,739, the federal court had not issued an order of remand in Unciano's case against GMAC. See Affidavit of Unciano. See Court Records in US District Court-District of Hawaii Civ. No. 10-00653 (SOM) (BMK). See Exhibits 1-5.

16. Pursuant to 29 U.S.C. §1446 (d), Mathewson v. Aloha Airlines, and Lucky Friday Silver-Lead Mines Co. v. Atlas Mining Co., et al, subject matter jurisdiction over Unciano's claim that the Assignment of Mortgage to GMAC is invalid remains with the federal court, and *no state court action regarding the Assignment can be maintained until an order of remand is issued by the federal court.* Mathewson v. Aloha Airlines, Inc., 82 Haw. at 70, 919 P.2d at 982. Lucky Friday Silver-Lead Mines Co. v. Atlas Mining Co., 88 Idaho 11, 16, 395 P.2d 477, 479. See Court Records, USDH-DC, Civ. No. 10-00653 (SOM) (BMK). See Exhibits 1, 3-5.

17. Land Court Order No. 186175 is therefore invalid based on the federal jurisdiction over the issue of the validity of the assignment of Mortgage to GMAC pursuant to 28 U.S.C. §1446 (d) and §1447 (c), and Land Court Order 186175 must be canceled, and an order issued for amendment of TCT 546,739 to reflect the cancellation.

B. LAND COURT ORDER 186175—INVALID—LACK OF NOTICE TO ALL PARTIES IN INTEREST HRS §501-196 & HRLC, Rule 65.

18. Petitioner also requests this Honorable Court cancel Land Court Order No. 186175 because it is invalid due to lack of notice to all parties in interest, pursuant to Hawaii Revised Statutes §501-196 and Hawaii Rules of Land Court, Rule 65

The court shall have jurisdiction to hear and determine the petition after notice to all parties in interest and may order the entry of a new certificate, the entry or cancellation of a memorandum upon a certificate, or grant any other relief upon such terms and conditions, requiring security if necessary, as it may deem proper.

H.R.S. §501-196 (emphasis added). Mason v. Wailea Resort Co., 79 Haw. 56, 897 P.2d 983 (Haw. App. 1995) (HRLC Rule 65 is required to comply with H.R.S. §501-196)

FACTUAL BACKGROUND

19. Land Court Order 186175, recorded on March 3, 2011, signed and filed by the Land Court Registrar on March 2, 2011, was submitted by GMAC counsel Peter Knapman, and does not include a citation, certificate of service or any other indication that the GMAC Petition was duly served on Unciano or any other parties in interest prior to submission to this Court. See Exhibit 1.

20. Petitioner is the registered owner on TCT 546,739, a party in interest, and did not receive any prior notice of the GMAC Petition submitted to the Land Court. See Aff. of Unciano. See Exhibits 1 & 2..

21. On March 21, 2011 Petitioner did however receive notice of Land Court

Order 186175 when GMAC's counsel, Peter Knapman, submitted Land Court Order 186175 as an Exhibit in the US District Court case. See USDC-DH, Civ. No. 10-00653 (SOM) (BMK) Tom and Unciano v. GMAC Mortgage, LLC et al, Defendants GMAC Mortgage LLC and Kristine Wilson's Reply Memorandum filed March 21, 2011, Exhibit D attached thereto. See Also Aff. of Unciano.

LCO 186175 IS INVALID—LACK OF PRIOR NOTICE—HRS §501-196

22. Hawaii Revised Statutes §501-196 and Hawaii Rules of Land Court, Rule 65 requires prior notice to all parties in interest for amendment of a certificate of title. Mason v. Wailea Resort Co., 79 Haw. 56, 897 P.2d 983. (HRS §501-196 failure to provide notice of proposed amendment to certificate of title renders the Order invalid).

23. In Mason v. Wailea Resort Co., the Hawaii Intermediate Court of Appeals found a Land Court Order to be invalid after the land court granted a Petition for Amendment of a Certificate of Title, over the objection of the party in interest who had not received prior notice, solely because of the Petitioner's failure to provide any prior notice of the Petition as required by HRS §501-196 and HRLC Rule 65 and. *Id.*

24. Petitioner Unciano, the registered owner of the subject property, and a party in interest, did not receive any prior notice of the Land Court Order or the GMAC Petition when Mr. Knapman submitted the Petition to this Court on March 1, 2011. See Exhibits 1-2, and Aff. of Unciano.

25. Unciano did not receive notice of Land Court Order 186175 until March 21, 2011 when Peter Knapman, counsel for GMAC, submitted the order in the United State District Court case, Civ. No. 10-00653(SOM) (BMK), in his Reply, Exhibit D attached thereto. See Affidavit of Unciano. See Court Records, US District Court, Civ. No. 10-00653 (SOM) (BMK).

26. Based on HRS §501-196, Hawaii Rules of Land Court, Rule 65, and Mason v. Wailea Resort Co., Land Court Order 186175 is an invalid order and this Honorable Court must grant Unciano's Petition, cancel Land Court Order 186175 and Amend Transfer Certificate of Title 546,739 to reflect the cancellation. Mason v. Wailea Resort Co., 79 Haw. at 56, 897 P.2d at 983.

C. CONCLUSION

27. Wherefore, Petitioner Joycelyn Wanda Unciano PRAYS that this Honorable Court Grant this Petition, cancel Land Court Order 186175, and Amend Transfer Certificate of Title 546,739 to remove Land Court Order 186175 from the TCT.

28. Further, Petitioner requests an award of her attorney's fees and costs as permitted by law.

Brian B. Custer

BRIAN B. CUSTER, ESQ.
Attorney for Joycelyn W. Unciano
Petitioner and Party in Interest

Subscribed and Sworn to before me this 15th day of ~~June~~ ^{July}, 2011 *Emb / LC*

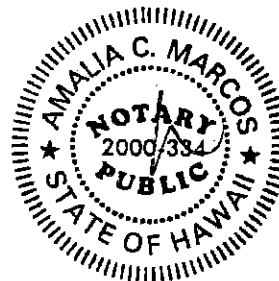
Amalia C. Marcos
Notary Public, State of Hawai'i

Amalia C. Marcos

Printed Name of Notary

My commission expires:

07/09/2012



Application No. 1069,, In the Matter of the Application of Trustees under the Will and of the Estate of James Campbell, deceased, to register and confirm title to land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawai'i; PETITION OF JOYCELYN WANDA UNCiano TO CANCEL LAND COURT ORDER 186175 AND AMENDMENT OF TRANSFER CERTIFICATE OF TITLE NO. 546,739

Doc. Date: JUL 15 2011 # Pages: 6
Name: Amalia C. Marcos *First Circuit*
Doc. Description: Affidavit of Brian B. Custer.
Amalia C. Marcos JUL 15 2011
Signature Date
NOTARY CERTIFICATION



IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Application No. 1069

of

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawai'i

AFFIDAVIT OF JOYCELYN WANDA UNCiano

I, JOYCELYN W. UNCiano, swear under oath that the following statements are true and correct based upon my own personal knowledge of the facts, records, and files, in this matter, and that I am otherwise competent to testify:

1. A certified copy of the Petition of GMAC Mortgage, LLC for Amendment of Transfer Certificate of Title 546,739 and Order, recorded on March 3, 2011 as Land Court Order 186175, ("hereafter referred to as GMAC'S Petition") is attached hereto as Exhibit 1.

2. I am the registered owner of the subject property on TCT 546,739 and a party in interest. A certified copy of TCT 546,739 is attached hereto as Exhibit 2.

BACKGROUND FACTS

3. The Assignment of Mortgage to GMAC Mortgage, LLC is the subject matter of two separate court cases in addition to this Land Court Proceeding. See Ex's 1 & 4.

Judicial Foreclosure Case

4. The Circuit Court case in the First Circuit Court, Civil No 03-1-1029-05 was initiated on May 15, 2003 by Washington Mutual Bank FA vs. Wayne Noelani Tom, Coleen Etsuko Tom, Joycelyn Wanda Unciano, et al. Through mesne assignments, Homecomings Financial, LLC (HF LLC) was the Plaintiff in October 2010.

5. In Civil No 03-1-1029-05, HF LLC filed two motions for Summary Judgment that were denied, on March 10, 2009, and on March 2, 2010. See Court Records, First Circuit Court, State of Hawaii, Civil No 03-1-1029-05.

6. On May 24, 2011, Peter Knapman, as counsel for GMAC, then filed a copy of the GMAC Petition for Amendment and Order in the Circuit Court case, Civil No. 03-1-1029-05, in his Motion to Substitute GMAC Mortgage, LLC as Plaintiff. *Id.*

Non-Judicial Foreclosure Case/Federal District Court

7. On October 6, 2010, I received a copy of the Assignment of Mortgage to GMAC and GMAC'S Notice of Mortgagees' Intention to Foreclose Under Power of Sale by David B. Rosen, Esq., then counsel for GMAC Mortgage, LLC who later informed me that the judicial foreclosure proceeding in Civil No. 03-1-1029-05, "*had no affect on his client*".

8. On October 25, 2010 Coleen E. Tom and I filed a Complaint in the First Circuit Court, Civil No. 10-1-2273-10 (KKS) that was later removed to United States District Court-District of Hawaii, (USDC-DH), by Peter Knapman, counsel for Defendants GMAC Mortgage, LLC and Kristine Wilson. A true and exact copy of the November 9, 2010 Notice of Removal filed in Civil No. 10-1-2273-10 (KKS) is attached hereto as Exhibit 3.

9. On October 27, 2010, in Civil No. 10-1-2273-10 (KKS), and prior to the Notice of Removal, I obtained an Order Granting our Motion for Temporary Restraining Order to Enjoin Defendant GMAC'S Non-Judicial Auction Scheduled for October 29, 2010. A certified copy of the October 27, 2010 Order is attached as Exhibit 4. *Id.*

FEDERAL JURISDICTION

10. On November 9, 2010 Defendants GMAC Mortgage, LLC and Kristine Wilson filed a Notice of Removal of the Circuit Court Complaint, Civil No. 10-1-2273-10 (KKS), to the USDC-DH, in Civ. No. 10-00653 (SOM) (BMK). See Exhibit 3.

11. On January 3, 2011, the US District Court in Civ. No. 10-00653 (SOM) (BMK) entered a minute order setting a hearing date of April 4, 2011 on Defendants GMAC Mortgage, LLC and Kristine Wilson's Motion to Dismiss Plaintiffs' Complaint filed October 25, 2010. A true and exact copy of the January 3, 2011 Minute Order is attached as Exhibit 5.

12. On March 21, 2011, Peter Knapman, counsel for Defendants GMAC and Wilson filed a copy of the March 3, 2011 Land Court Order 186175 in the USDC-DH case, Civ. No. 10-00653 (SOM) (BMK), to claim that that the Assignment of Mortgage executed by Kristine Wilson was valid. See Court Records, USDC-DH, Civ. No. 10-00653 (SOM) (BMK).

13. As of the date of this Affidavit the issue of the validity of the Assignment

of Mortgage to GMAC, executed by Kristine Wilson, is still being litigated in the Federal case, as no order of remand has been issued. See Court Records, USDC-DH, Civ. No. 10-00653 (SOM) (BMK).

COMPLAINT ALLEGES INVALIDITY OF ASSIGNMENT OF MORTGAGE

14. HF LLC in the Judicial Foreclosure case and GMAC in the Non-Judicial Foreclosure (the circuit court case removed to federal court) claimed to be the current owner and current holder of the same note, same mortgage and property at the same time. See Exhibit 4. See Also Court Records, First Circuit Court Civil No 03-1-1029-05 and Civil No. 10-1-2273-10 (KKS); USDC-DH, Civ. No. 10-00653 (SOM) (BMK).

15. A key issue of my October 25, 2010 Complaint is that the Assignment of Mortgage to GMAC Mortgage, LLC is invalid and they had no right to pursue any foreclosure proceedings against my property. See original Complaint filed on October 25, 2010 in First Circuit Court, Civil No. 10-1-2273-10 (KKS) and First Amended Complaint filed Dec. 13, 2010 in USDC-DH, Civ. No. 10-00653 (SOM) (BMK). See Exhibit 4.

16. The reason for the invalid Assignment of Mortgage to GMAC is that it was executed by Kristine Wilson who alleged to be a vice president of Homecomings Financial Network, Inc. at the same time she was employed by GMAC, and she also executed GMAC'S Notice of Intent to Foreclose Under Power of Sale, (NOI) as a Limited Signing Officer for GMAC. Exhibit 4. See Court Records Complaint filed in First Circuit Court, on Oct. 25, 2010 and, First Amended Complaint filed in USDC-DH on Dec. 13, 2010.

17. On September 25, 2010 the Washington Post reported that GMAC Mortgage, LLC has withdrawn foreclosure affidavits of Kristine Wilson, a "*Robo-Signer*", who executes documents without any personal knowledge. A true and exact copy of the September 25, 2010 Washington Post Article is attached hereto as Exhibit 6.

18. On February 18, 2011, Aixa M. Torres, with no stated authority, did a Joinder of HF LLC for GMAC'S Petition. See Exhibit 1.

19. On March 1, 2011, Peter Knapman, Esq., counsel for GMAC Mortgage executed the GMAC Petition for Amendment of Transfer Certificate of Title 546,739 and Order. *Id.*

20. On March 2, 2011, the GMAC Petition for Amendment and Order was filed with the Land Court. *Id.*

21. On March 3, 2011, the GMAC Petition for Amendment and Order was then recorded in the Office of the Assistant Registrar of the Land Court of the State of

Hawai'i as Land Court Order No. 186175. Id.

22. GMAC'S Petition for Amendment and Order represents that the only issue regarding the Assignment of Mortgage to GMAC was a "*scriveners error*" that needed to be corrected. Id.

23. The GMAC Petition includes the February 18, 2011 Notice of Joinder of HF LLC for GMAC'S Petition, executed and sworn to under oath by Aixa M. Torres, with no stated authority, that contains additional "*scrivener's errors*", and was also notarized by the same notary public as Kristine Wilson's Assignment of Mortgage. Id.

LACK OF PRIOR NOTICE

24. The March 3, 2011, Petition for Amendment and Order, submitted by Peter Knapman, counsel for GMAC Mortgage, LLC *fails to show* that any prior notice of the proposed amendment was served on me or any other party in interest. See Exhibit 1.

25. As of March 2, 2011, I was not served with any prior notice of the GMAC Petition and Order. Id.

26. I did not receive any notice of the March 3, 2011, Land Court Order until after it was filed in the federal case on March 21, 2011.

Furthermore your affiant sayeth naught.


JOYCELYN W. UNCIANO. Petitioner,
Registered Owner and Party in Interest

Subscribed and Sworn to before me this 15th day of July, 2011 


Notary Public, State of Hawai'i

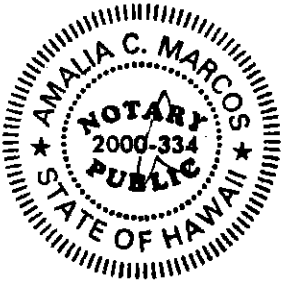
Amelia C. Marcos

Printed Name of Notary

My commission expires: 07/09/2012



Application No. 1069, In the Matter of the Application of Trustees under the Will and of the Estate of James Campbell, deceased, to register and confirm title to land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawai'i; PETITION OF JOYCELYN WANDA UNCIANO TO CANCEL LAND COURT ORDER 186175 AND AMENDMENT OF TRANSFER CERTIFICATE OF TITLE NO. 546,739



Doc. Date: JUL 15 2011 # Pages: 4
Name: Amalia C. Marcos First Circuit
Doc. Description: AFFIDAVIT OF
JOCELYN WANDA UNCIATO
[Signature] JUL 15 2011
Signature Date
NOTARY CERTIFICATION

EXHIBIT “1”



L-571 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED
MAR 03, 2011 11:00 AM
L.C. Order No(s) 186175
on Cert(s) 546,739



20 1/1 Z10

/s/ NICKI ANN THOMPSON
ASSISTANT REGISTRAR

I hereby certify that this is
a true copy from the records
of the Bureau of Conveyances.

Nicki Ann Thompson
Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii

KATHLEEN HANAWAINE
REGISTRAR

2011 MAR -2 PM 2:29

LAND COURT
STATE OF HAWAII
FILED

LAND COURT

REGULAR SYSTEM

u AFTER RECORDATION, RETURN BY: MAIL () PICK-UP (X)

ALSTON HUNT FLOYD & ING (PSK)
TELEPHONE: (808) 524-1800

Tax Map Key No.: Oahu 9-2-014-090

Total Pages: 8

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

of

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawaii

Application No. 1069

1 L. D. CASE NO. 11-1-0667

**PETITION OF GMAC MORTGAGE, LLC,
FOR AMENDMENT OF TRANSFER CERTIFICATE
OF TITLE NO. 546,739 and ORDER**

A TRUE COPY, ATTEST WITH
THE SEAL OF SAID COURT.

JANIS SHIRAMA
Clerk

761310-2 / 8165-20

COMES NOW, GMAC MORTGAGE, LLC, party in interest, and respectfully prays for an amendment of Transfer Certificate of Title No. 546,739, to show the following facts:

1. The correction of the Assignment of Mortgage dated August 27, 2010, by and between Homecomings Financial Network, Inc., as Assignor, and GMAC Mortgage, LLC, a Delaware limited liability company, as Assignee, which is filed on September 16, 2010, in the Office of the Assistant Registrar of the Land Court of the State of Hawai'i as Document No. 3999824. Due to scrivener's error, said Assignment of Mortgage, a copy of which is attached hereto and made a part hereof, incorrectly identifies the Assignor as Homecomings Financial Network, Inc.


2. Pursuant to Land Court Order No. 176281 filed on September 16, 2008, Homecomings Financial Network, Inc. was converted into Homecomings Financial, LLC, a Delaware limited liability company.

3. The Assignor should be corrected and identified as Homecomings Financial, LLC, a Delaware limited liability company.

4. In all other respects, said Assignment of Mortgage dated August 27, 2010, and recorded as aforesaid as Document No. 3999824 is hereby ratified and confirmed.

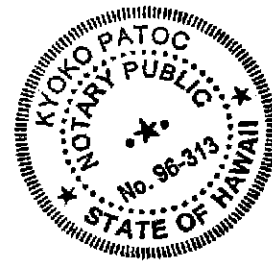
[SIGNATURE AND NOTARY ACKNOWLEDGMENT CONTINUED ON NEXT PAGE]

GMAC MORTGAGE, LLC, a Delaware
limited liability company

By: 
PETER S. KNAPMAN
Its Attorney

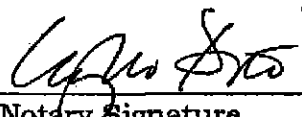
Subscribed and sworn to before me
this 1st day of March,
2011.

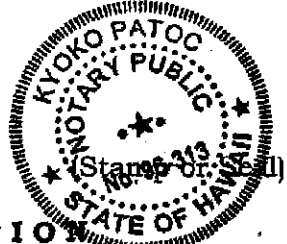

Notary Public, State of Hawaii
KYOKO PATOC



Printed Name of Notary

My commission expires: 6/14/2012

Doc. Date: <u>Undated</u>	# Pages: <u>7</u>
Notary Name: <u>Kyoko Patoc</u>	Circuit
Doc. Description: LAND COURT PETITION	
<u></u>	<u>3/1/11</u>
Notary Signature	Date
NOTARY CERTIFICATION	



Application No. 1069; In the Matter of the Application of Trustees under the Will and of the Estate of James Campbell, deceased, to register and confirm title to land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawai'i; **PETITION OF GMAC MORTGAGE, LLC, FOR AMENDMENT OF TRANSFER CERTIFICATE OF TITLE NO. 546,739 and ORDER**

ORDER

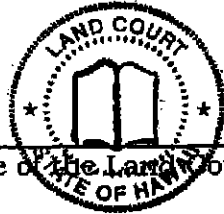
Upon the record and the evidence herein, the prayer of the petition is hereby granted and the Registrar of this Court is so ordered.

MAR - 2 2011

Dated: Honolulu, Hawai'i, _____.

KATHLEEN HANAWAHINE

Registrar for the Judge of the Land Court



Application No. 1069; In the Matter of the Application of Trustees under the Will and of the Estate of James Campbell, deceased, to register and confirm title to land situate at Honouliuli, District of Ewa, City and County of Honolulu, State of Hawai'i; **PETITION OF GMAC MORTGAGE, LLC, FOR AMENDMENT OF TRANSFER CERTIFICATE OF TITLE NO. 546,739 and ORDER**

FILED

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Application No. 1069

of

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawai'i

**JOINDER OF HOMECOMINGS FINANCIAL, LLC FOR AMENDMENT OF
TRANSFER CERTIFICATE OF TITLE NO. 546,739**

HOMECOMINGS FINANCIAL, LLC, hereby joins in, consents to, and
approves of the foregoing Petition of GMAC Mortgage, LLC for Amendment of
Transfer Certificate of Title No. 546,739.

DATED: 2/18/2011 Pennsylvania, _____.

HOMECOMINGS FINANCIAL, LLC, a
Delaware limited liability company

By: _____

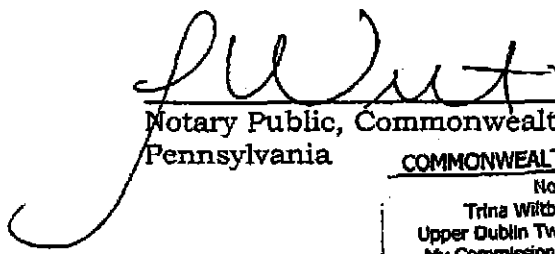
Name:

Its:

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF montgomery) SS:

On this 18 day of February, 2011, before me
personally appeared Aixa M. Torres, to me
personally known, who being by me duly sworn or affirmed, did say that such
person executed the foregoing instrument as the free act and deed of such
person, and if applicable, in the capacity shown, having been duly authorized
to execute such instrument in such capacity.


Notary Public, Commonwealth of
Pennsylvania

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Trina Wiltbank, Notary Public
Upper Dublin Twp., Montgomery County
My Commission Expires Sept. 10, 2013

Printed Name of Notary Trina Wiltbank Notary, Pennsylvania Association of Notaries

My commission expires: _____



L-292 STATE OF HAWAII
OFFICE OF ASSISTANT REGISTRAR
RECORDED
SEP 16, 2010 08:01 AM
Doc No(s) 3999824
on Cert(s) 546,739



20 1/1 Z11

/s/ NICKI ANN THOMPSON
ASSISTANT REGISTRAR

LAND COURT RECORDING SYSTEM

REGULAR RECORDING SYSTEM



After Recordation Return By: Mail (X) ☐ Pick-up ()
CAL-WESTERN RECONVEYANCE COMPANY
525 EAST MAIN STREET
EL CAJON, CA 92020
THIS INSTRUMENT FILED FOR RECORD BY
CAL-WESTERN RECONVEYANCE COMPANY, INC. AS
AN ACCOMMODATION ONLY IT HAS NOT
BEEN EXAMINED AS TO ITS EXECUTION OR
AS TO ITS EFFECT UPON THE TITLE.

This document contains
2 pages

4424793

TYPE OF DOCUMENT: ASSIGNMENT OF MORTGAGE

I hereby certify that this is
a true copy from the records
of the Bureau of Conveyances.

Nicki Ann Thompson
Registrar of Conveyances
Assistant Registrar, Land Court
State of Hawaii



Recording Requested By
And When Recorded Mail To:

GMAC MORTGAGE, LLC
P.O. BOX 8300
FORT WASHINGTON PA 19034

1276690-06 *asgntdxr*

SPACE ABOVE THIS LINE FOR RECORDER \$ USE

T.S. NO. 1276690-06 LOAN NO. XXXXXX7453

ASSIGNMENT OF MORTGAGE

FOR VALUE RECEIVED, the undersigned hereby grants, assigns and transfers to
GMAC MORTGAGE, LLC, Delaware Limited Liability Company whose address is P.O. BOX 8300
FORT WASHINGTON PA 19034

all beneficial interest under that certain mortgage dated March 21, 1995, executed by
WAYNE NOELANI TOM AND COLEEN ETSUKO TOM, HUSBAND AND WIFE, mortgagor,
and recorded in Office of the Assistant Registrar in Land Court Document Instrument No. 2226366 on March 24,
1995 in Transfer Certificate Title No. 454,267, state of Hawaii describing land therein as
COMPLETELY DESCRIBED IN SAID MORTGAGE

together with the note or notes therein described or referred to, the money due and to become due thereon with
interest, and all rights accrued or to accrue under said Mortgage.

Effective Date:
8-27-2010

HOMEcomings FINANCIAL NETWORK, INC.

State of Pennsylvania
County of Montgomery

Kristine Wilson
Kristine Wilson
Vice President

On 8/3/10 before me, Dana Wilbanks
a Notary Public, personally appeared Kristine Wilson, who proved to
me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of PA that the
foregoing paragraph is true and correct.
WITNESS my hand and official seal

(Seal)

Signature [Signature]

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Trina Wilbanks, Notary Public
Upper Dittler Twp., Montgomery County
My Commission Expires Sept. 10, 2013

Member, Pennsylvania Association of Notaries

EXHIBIT “2”

STATE OF HAWAII
CERTIFICATE OF TITLE
Certificate No: 546739

Issued: 01/11/2000

Document No: T-2600790

This Certificate has been certified.
Transferred from Certificate #: 454267

I hereby certify that pursuant to Chapter 501 of the Hawaii Revised Statutes, the REGISTERED OWNER below is the owner in fee simple of the LAND described, subject, however to encumbrances mentioned in Section 501-82 of the Hawaii Revised Statutes and subject also to such exceptions, encumbrances, interests and entries as may appear under ENCUMBRANCES.

/s/ Nalani E. Fujimoto
Assistant Registrar

REGISTERED OWNER

-JOYCELYN WANDA /UNCIANO/- wife of Herbert Leonillo Unciano
92-313 Nohona Place, Honolulu, Hawaii 96707

***3/3/11 LCO CORR A/M 3999824*

LAND

Situate at Honouliuli, Ewa, Oahu

LOT 2290, 7,154 square feet, Map 201,
Land Court Application 1069 of the Trustees of the Estate of James Campbell

ENCUMBRANCES/MEMORIALS

<u>Lot/Unit or Int.(%)</u>	<u>Document #</u>	<u>Instrument</u>	<u>In Favor Of / Terms</u>	<u>Certified</u>
	T 2226364	AGM	Party wall agm with owners of Lot 2289, CT 296,009, Re: Rock wall	
	T 2226366	MTG	Western Pacific Mortgage, Inc	
	T 2355360	MTG	Associates Financial Services Company of Hawaii, Inc	
	T 2373457	A/M	Fleet Real Estate Funding Corp, Mtg 2226366	
			Perpetual covenants in Doc 890372	
	T 31486	LCO	Easement 622, Map 201, for drainage swale	
	T 149960	LCO	The Assistant Registrar is ordered by the Court to reinstate CT 546,739..	NF
	T 3317173	L/P	Washington Mutual Bank FA to foreclose Mtg 2226366, (Civil 03-1-1029-05)..	CC
	T 3420150	NTC LIEN	Terry Lee & Wendy P. Brelow-Scott, (Civil 04-1-0349-01 (RKOL)).....	RD
	T 3511440	A/M	Homecomings Financial Network, Inc; Mtg 2226366.....	MK
	T 3607903	JDGT	Terry Lee & Wendy P Brelow-Scott, Civil 04-1-0349-01(RKOL), dtd 5/8/06	RD
			
	T 3616899	AMEND	Jdgt 3607903.....	SM
	T 3622134	JDGT	Terry Lee & Wendy P Brelow-Scott (Civil 04-1-0349-01(RKOL)) dtd 5/9/2006	MP
	T 3622135	AMEND	Jdgt 3622135.....	MP
	T 3802054	JDGT		
	T 3999824	A/M	GMAC Mortgage, LLC, Mtg 2226366....	--
	T 186175	LCO		

***** End of Memorials *****

A true copy as at **MAR 10 2008**
Attest: 
Assistant Registrar
Land Court

EXHIBIT “3”

ORIGINAL

JH

Of Counsel:
ALSTON HUNT FLOYD & ING
Attorneys at Law
A Law Corporation

LOUISE K. Y. ING 2394-0
PETER KNAPMAN 6926-0
1001 Bishop Street, Suite 1800
Honolulu, Hawai'i 96813
Telephone: (808) 524-1800
Facsimile: (808) 524-4591
E-mail: ling@ahfi.com
pknapman@ahfi.com

Attorneys for Defendants
GMAC MORTGAGE, LLC and
KRISTINE WILSON

FIRST CIRCUIT COURT,
STATE OF HAWAII
FILED

2010 NOV -9 PM 4:02

F. OTAKE
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

COLEEN ETSUKO TOM and
JOYCELYN WANDA UNCIANO,

Plaintiffs,

vs.

GMAC Mortgage, LLC, a Delaware
Limited Liability Company, registered
to do business in the State of
Pennsylvania; DAVID B. ROSEN,
ESQ., an attorney licensed to practice
law in the State of Hawaii; KRISTINE
WILSON, individually and in her
capacity as Limited Signing Officer for
GMAC Mortgage, LLC; DOE
INDIVIDUALS 1-10; DOE BUSINESS
ENTITIES 1-10; DOE LLC'S 1-10,
DOE CORPORATE ENTITIES 1-10,

Defendants.

Civil No. 10-1-2273-10 KKS
(Injunction) (Declaratory Judgment)
Non-Motor Vehicle Tort)

**DEFENDANTS GMAC MORTGAGE,
LLC AND KRISTINE WILSON'S
NOTICE TO ADVERSE PARTY AND
CLERK OF REMOVAL OF CIVIL
ACTION; EXHIBIT "A";
CERTIFICATE OF SERVICE**

Compliance Program

Date: NOV -9 2010

Legal Documents Division

756584v1/8165-20

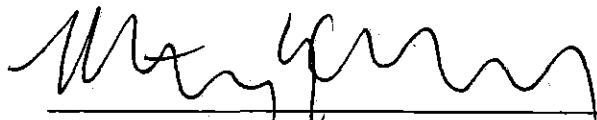
**DEFENDANTS GMAC MORTGAGE, LLC AND KRISTINE WILSON'S NOTICE
TO ADVERSE PARTY AND CLERK OF REMOVAL OF CIVIL ACTION**

TO THE CLERK OF THE CIRCUIT COURT OF THE FIRST CIRCUIT AND
PLAINTIFFS COLEEN ETSUKO TOM and JOYCELYN WANDA UNCIANO:

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. sections
1331, 1441, and 1446, GMAC MORTGAGE, LLC and KRISTINE WILSON,
Defendants in Civil No. 10-1-2273-10 KKS, filed a Notice of Removal of the
action in the United States District Court for the District of Hawaii on
November 9, 2010. A copy of the Notice of Removal filed by Defendants GMAC
MORTGAGE, LLC and KRISTINE WILSON is attached to this notice as Exhibit
A and is served and filed herewith.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to 28 U.S.C.
section 1446(d), the filing of the Notice of Removal in the United States District
Court, together with the filing of a copy of this notice with the Circuit Court of
the First Circuit, effects the removal of this action and the above-entitled state
court may proceed no further unless and until the case is remanded.

DATED: Honolulu, Hawai'i, November 9, 2010.



LOUISE K. Y. ING
PETER KNAPMAN

Attorneys for Defendants
GMAC MORTGAGE, LLC and
KRISTINE WILSON

Of Counsel:
ALSTON HUNT FLOYD & ING
Attorneys at Law
A Law Corporation

LOUISE K. Y. ING 2394-0
PETER KNAPMAN 6926-0
1001 Bishop Street, Suite 1800
Honolulu, Hawai'i 96813
Telephone: (808) 524-1800
Facsimile: (808) 524-4591
E-mail: ling@ahfi.com
pknapman@ahfi.com

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
NOV 9 2010
at o'clock and min. M.
SUE BEITIA, CLERK

Attorneys for Defendants
GMAC MORTGAGE, LLC and
KRISTINE WILSON

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

CV 10 00653 SOM BMK

COLEEN ETSUKO TOM and
JOYCELYN WANDA UNCiano,

Plaintiffs,

vs.

GMAC Mortgage, LLC, a
Delaware Limited Liability
Company, registered to do
business in the State of
Pennsylvania; DAVID B.
ROSEN, ESQ., an attorney
licensed to practice law in the
State of Hawaii; KRISTINE
WILSON, individually and in her

Case No.:

**NOTICE OF REMOVAL OF
CIVIL ACTION; EXHIBITS "1" -
"2"; CERTIFICATE OF
SERVICE**

(No trial date set)

capacity as Limited Signing
Officer for GMAC Mortgage, LLC;
DOE INDIVIDUALS 1-10; DOE
BUSINESS ENTITIES 1-10; DOE
LLC'S 1-10, DOE CORPORATE
ENTITIES 1-10,

Defendants.

NOTICE OF REMOVAL OF CIVIL ACTION

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

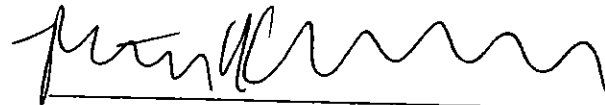
PLEASE TAKE NOTICE that Defendants GMAC
MORTGAGE, LLC and KRISTINE WILSON (collectively "GMACM"),
hereby remove this action to the United States District Court for the
District of Hawaii, pursuant to 28 U.S.C. sections 1331, 1441 and
1446, and 29 U.S.C. section 1132(e). This action is removable
pursuant to 28 U.S.C. § 1441(b) because the claims asserted by
Plaintiff COLEEN ETSUKO TOM and JOYCELYN WANDA UNCIANO
("Plaintiffs") arise under the Fair Debt Collection Practices Act, 15
U.S.C. Section 1692, *et seq.* ("FDCPA").

The foregoing facts were true at the time the complaint in
this matter was filed, and remain true as of the date of filing of this
notice of removal, as more fully set forth below.

1. On October 25, 2010, Plaintiffs filed in the Circuit Court of the First Circuit, their Complaint in the civil action entitled *Coleen Etsuko Tom and Joycelyn Wanda Unciano v. GMAC Mortgage, LLC, et al.*, Civil No. 10-1-2273-10 KKS ("Complaint").
2. GMACM, first received a copy of the Complaint from attorney David Rosen on or around October 29, 2010. A true, correct and complete copy of the Summons and Complaint received by GMACM is attached as Exhibit "1."
3. On October 27, 2010 Plaintiffs filed a Motion for Preliminary Injunction. A true and correct copy of this motion is attached as Exhibit "2".
4. GMACM has not received copies of any other documents in the state court matter.
5. GMACM has filed this notice of removal within 30 days of receipt of the Complaint.
6. This action is a civil action over which the court has original jurisdiction under 28 U.S.C. section 1332, and it is one that may be removed to this Court pursuant to the provisions of 28 U.S.C. section 1441(b), in that it is a civil action founded on a claim or right arising under the laws of the United States, e.g. FDCPA.

Plaintiffs specifically aver (*inter alia*) in Count IV of their Complaint (paragraphs 47-57) that Defendants violated various provisions of the federal law. Exhibit "1" at p. 10-11.

DATED: Honolulu, Hawai'i, November 9, 2010.

A handwritten signature in black ink, appearing to read 'Louise K. Y. Ing', written over a horizontal line.

LOUISE K. Y. ING
PETER KNAPMAN

Attorneys for Defendants
GMAC MORTGAGE, LLC and
KRISTINE WILSON

EXHIBIT “4”

JLB WU

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2010 OCT 27 PM 2:34

STATE OF HAWAII

COLEEN ETSUKO TOM and)
JOYCELYN WANDA UNCiano,)
Plaintiffs,)

v.)

GMAC Mortgage, LLC, a)
Delaware Limited Liability)
Company, registered to do)
Business in the State of)
Pennsylvania; DAVID B. ROSEN,)
ESQ., an attorney licensed)
to practice law in the State)
of Hawaii; KRISTINE WILSON,)
individually and in her)
capacity as Limited Signing)
Officer for GMAC Mortgage,)
LLC; DOE INDIVIDUALS 1-10;)
DOE BUSINESS ENTITIES 1-10;)
DOE LLCs 1-10; and DOE)
CORPORATE ENTITIES 1-10,)
Defendants.)

Civ. No. 10-1-2273-10

ORDER GRANTING PLAINTIFFS')
EX PARTE MOTION FOR TEMPORARY)
RESTRAINING ORDER TO ENJOIN)
DEFENDANTS' NON-JUDICIAL)
FORECLOSURE AUCTION SCHEDULED)
FOR OCTOBER 29, 2010)

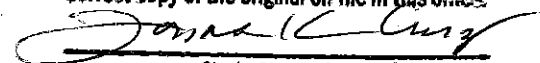
A. MARPLE

CLERK

ORDER GRANTING PLAINTIFFS' EX PARTE MOTION FOR TEMPORARY
RESTRAINING ORDER TO ENJOIN DEFENDANTS' NON-JUDICIAL
FORECLOSURE AUCTION SCHEDULED FOR OCTOBER 29, 2010

Upon review of (1) Plaintiffs' Ex Parte Motion for
Temporary Restraining Order to Enjoin Defendants' Non-Judicial
Foreclosure Auction Scheduled for October 29, 2010 and (2)
Plaintiffs' Verified Complaint and attached exhibits filed in
this court on October 25, 2010, the court, pursuant to Hawaii
Rules of Civil Procedure Rule 65(b), hereby GRANTS Plaintiffs'
motion for the following reasons:

I do hereby certify that this is a full, true and
correct copy of the original on file in this office.


Clerk, Circuit Court, First Circuit

1. Plaintiffs have shown, and the court takes judicial notice, that a judicial foreclosure proceeding upon the same real property is pending before this court (The Honorable Judge Bert I. Ayabe presiding) in Civ. No. 03-1-1029-05, Homecomings Financial, LLC v. Coleen Etsuko Tom (et al.), the complaint having been originally filed on May 15, 2003.

2. It appears that the real property in question is described as 92-309 Nohona Place, Kapolei, Hawaii (as reflected in the May 15, 2003 complaint in Civ. No. 03-1-1029-05) or, in the alternative, as 92-309 Nohona Street, Kapolei, Hawaii (as described by plaintiffs in their ex parte motion for temporary restraining order, and as asserted by the May 15, 2003 complaint in Civ. No. 03-1-1029-05 to be the true property address).

3. The court takes judicial notice that the judicial foreclosure proceeding in Civ. No. 03-1-1029-05 is still pending.

4. The court takes judicial notice that as of December 10, 2008, in Civ. No. 03-1-1029-05, party Homecomings Financial, LLC substituted itself as plaintiff in place of Homecomings Financial Network, Inc., pursuant to court order granting the substitution.

5. The court takes judicial notice that the May 15, 2003 complaint in Civ. No. 03-1-1029-05 seeks judicial foreclosure upon an alleged mortgage dated March 21, 1995,

executed by Wayne Noelani Tom and Coleen Etsuko Tom, filed in the Office of the Assistant Registrar, Land Court, State of Hawaii on March 24, 1995, allegedly recorded as Document No. 2226366 and noted on Transfer Certificate of Title No. 546,739.

6. It appears that an Assignment of Mortgage was recorded in the State of Hawaii Land Court and/or in State of Hawaii the Bureau of Conveyances on September 16, 2010, in which entity Homecomings Financial Network, Inc. assigned from itself to GMAC Mortgage, LLC a mortgage purportedly dated March 21, 1995, executed by Wayne Noelani Tom and Coleen Etsuko Tom, filed in the Office of the Assistant Registrar, Land Court, State of Hawaii on March 24, 1995, recorded as Document No. 2226366 and noted on Transfer Certificate of Title No. 454,267.

7. This Assignment of Mortgage recorded September 16, 2010 appears to bear hand-written corrections referencing a "CT 546,739."

8. This Assignment of Mortgage recorded September 16, 2010 is signed on behalf of Homecomings Financial Network, Inc. by a certain Kristine Wilson as Vice President.

9. The court has also received from Plaintiffs a "Notice of Mortgagee's Intention to Foreclose Under Power of Sale" dated September 15, 2010, which references a mortgage dated March 21, 1995, recorded on March 24, 1995 in the Office of the Assistant Registrar in the County of Honolulu, State of

Hawaii, Land Court, as Document No. 2226366, on Transfer Certificate Title No. 454,267, the subject real property located at "92-309 NOHONA PLACE ALSO APPEARING OF RECORD AS 92-309 NOHONA STREET KAPOLEI HI 96707".

10. The aforementioned "Notice of Mortgagee's Intention to Foreclose Under Power of Sale" dated September 15, 2010 was signed for GMAC Mortgage, LLC by Kristine Wilson, who was designated as "Limited Signing Officer".

11. According to the aforementioned "Notice of Mortgagee's Intention to Foreclose Under Power of Sale" dated September 15, 2010, inquiries are to be directed to David B. Rosen, Esq.

12. It appears to this court that both (a) the judicial foreclosure pending in Civ. No. 03-1-1029-05 before this court and (b) the non-judicial foreclosure proceedings apparently initiated and/or reflected by the "Notice of Mortgagee's Intention to Foreclose Under Power of Sale" dated September 15, 2010 concern the same mortgage upon the same real property.

13. It further appears to this court that party Kristine Wilson, who is nominally Vice President of entity Homecomings Financial Network, Inc., is also acting as "Limited Signing Officer" for GMAC Mortgage, LLC for purposes of attempting, or noticing, a non-judicial foreclosure of the

subject mortgage in the instant matter.

14. The court is concerned by what appears to be simultaneous judicial and non-judicial foreclosure proceedings upon the same mortgage and same real property, by two apparently separate competing mortgagees, Homecomings Financial, LLC and GMAC Mortgage, LLC.

15. The court is additionally concerned by Kristine Wilson acting as Vice President of apparently former plaintiff Homecomings Financial Network, Inc. in Civ. No. 03-1-1029-05 and as "Limited Signing Officer" for GMAC Mortgage, LLC in the non-judicial foreclosure proceedings, and cannot ascertain, at minimum, whether Kristine Wilson has proper authority to act as GMAC Mortgage, LLC's "Limited Signing Officer" and/or to act on behalf of GMAC Mortgage, LLC in signing a "Notice of Mortgagee's Intention to Foreclose Under Power of Sale".

16. Because the non-judicial foreclosure auction upon the real property described as 92-309 Nohona Place, Kapolei, Hawaii or 92-309 Nohona Street, Kapolei, Hawaii, which is alleged to be Plaintiffs' family home, is allegedly scheduled to occur on Friday, October 29, 2010, the court finds that it clearly appears from specific facts shown by Plaintiffs' verified complaint and the attached exhibits thereto that immediate and irreparable injury or loss will result to Plaintiffs-applicants before Defendants or Defendants' attorneys

can be heard in opposition to Plaintiffs' motion for temporary restraining order (submitted *ex parte*).

TEMPORARY RESTRAINING ORDER

THEREFORE, it is hereby ordered, adjudged and decreed that:

1. Plaintiffs' motion is hereby granted, and the Temporary Restraining Order is hereby issued.

2. Defendants GMAC MORTGAGE, LLC, KRISTINE WILSON, and DAVID B. ROSEN, ESQ. are enjoined from taking any further action to conduct a non-judicial foreclosure sale regarding the real property located at 92-309 Nohona Street, Kapolei, HI (also known as 92-309 Nohona Place, Kapolei, HI).

3. This Temporary Restraining Order is effective until Friday, November 5, 2010, at 4:00 P.M. The hearing on Plaintiffs' "Motion for Preliminary Injunction to Enjoin Defendants' Non-Judicial Foreclosure Auction Scheduled for October 29, 2010 Pursuant to Rule 65 HRCP and HRS §480-13(b)2) [sic]" is scheduled for hearing before the Honorable Karl. K. Sakamoto on Nov. 3, 2010, at 9:30 (A.M.)/P.M., in his Courtroom at Kaahumanu Hale, 777 Punchbowl Street, Honolulu, HI 96813.

OCT 27 2010

DATED: Honolulu, Hawaii _____,

at 12 A.M. / P.M.

A handwritten signature in black ink, appearing to read 'K. Sakamoto', written over a horizontal line.

KARL K. SAKAMOTO
Judge of the above-entitled Court

EXHIBIT “5”

Full docket text for document 37:

NOTICE of Hearing on Motion [31] MOTION to Dismiss *Complaint, filed October 25, 2010*, [32] MOTION to Dismiss :. Motion Hearing set for 4/4/2011 09:00 AM before JUDGE SUSAN OKI MOLLWAY. (tbj,)

CERTIFICATE OF SERVICE

Participants registered to receive electronic notifications received this document electronically at the e-mail address listed on the Notice of Electronic Filing (NEF). Participants not registered to receive electronic notifications were served by first class mail on the date of this docket entry.

PACER Service Center			
Transaction Receipt			
07/13/2011 15:34:38			
PACER Login:	ju0529	Client Code:	GMAC
Description:	History/Documents	Search Criteria:	1:10-cv-00653-SOM - BMK
Billable Pages:	1	Cost:	0.08

EXHIBIT “6”

Sign In Register Now Subscribe Mobile Multimedia Today's Paper

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5 Stocks to Sell Now Some of the most widely-held stocks on the planet could plummet fast... www.StreetAuthority.com
Honolulu Bankruptcy Law Discover Your Debt Relief Options Call 808-722-1746 Free Consultation www.bankruptcy1.com
Free DUI Defense Advice Did you Get a DUI & Need Help? Get a Free DUI Case Evaluation Now! www.DUIRights.com

washingtonpost.com > Business > Political Economy

Political Economy

Politics, politicians, big business and the economy



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Your essential source for the latest news on the intersection of Wall Street and Washington.

ECONOMIC AGENDA

10 a.m.
Pending home sales for August released
Factory orders for August released
3 p.m. Federal Reserve chairman Ben Bernanke speaks with college students in Providence, RI
7:30 Bernanke speaks on "Fiscal Sustainability and Fiscal Rules"

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Ally's GMAC unit withdraws foreclosure affidavits signed by second employee

Was Kristine Wilson another "robo-signer"?

Attorneys for homeowners in Florida say Ally Financial's GMAC mortgage unit has begun to withdraw affidavits submitted in support of foreclosures that were signed by a second employee. Like [Jeffrey Stephan](#)—the document processor who admitted in sworn testimony that he signed 10,000 documents a month without reviewing them—Kristine Wilson signed as a "limited signing officer" for GMAC.

In a request to withdraw an affidavit listing debts owed by a homeowner that was signed by Wilson in a Palm Beach County Circuit Court case, lawyers for GMAC say that "information in the affidavit may not have been properly verified."

The attorneys said, however, that the "amounts reflecting the indebtedness contained therein" ... "were believed to be correct when filed."

Ally, which is majority-owned by the U.S. Treasury Department, did not immediately respond to requests for comment.

By Ariane Eunjung Cha | September 25, 2010; 11:34 AM ET
Categories: [Housing](#)

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Comments

So I guess the Tax payer owns these houses and banks, or we have vested interest, we are rigging ourselves.

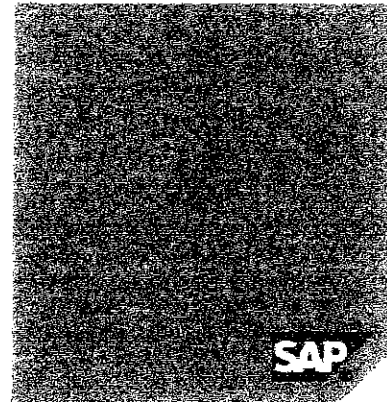
Posted by: Anonymous | September 25, 2010 2:43 PM | [Report abuse](#)

Please don't let this story fade away into the background! The truth of the matter is that every major lender (and I'm sure the minor ones as well) are guilty of similar business practices. Just examine the assignments at the local county clerk's office and you will see the same people signing with different titles on behalf of many different lenders. You won't have to look any further than what was filed yesterday

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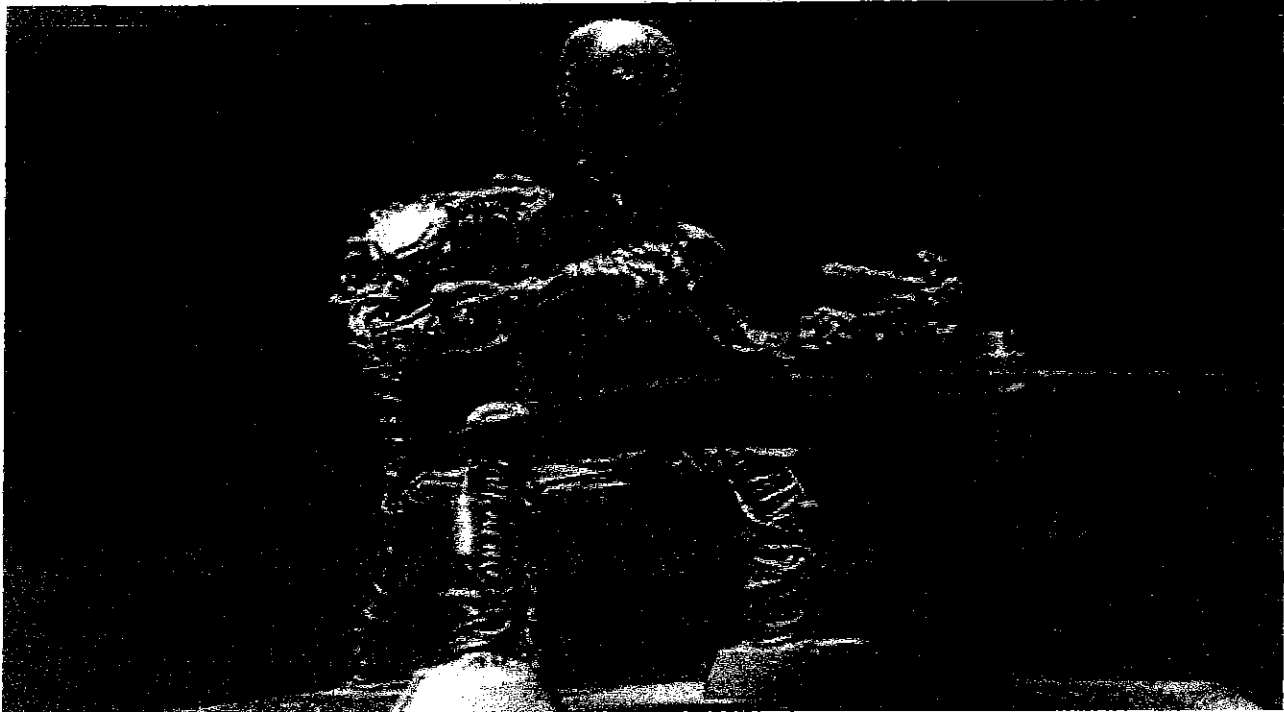
Network News

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Friends' Activity

Kristine Wilson – Robo Signer Part Deux – Ally’s GMAC Unit Withdraws Foreclosure Affidavits Signed by Second Employee

Posted by Foreclosure Fraud on September 25, 2010 · 10 Comments



The Washington Post is loving this stuff...

We are providing and they are reporting...

Funny how we have been screaming this for about a year now and no one would listen until GMAC made their announcement last week.

Letters to every regulating agency went ignored, letters to the Florida Supreme Court, the Florida Bar, and even our local courts, with plenty of documented proof, dismissed...

When this all unfolds, the questions to our “leaders” to why they did not act when they were full aware of the issues, which are not just affidavit “technicalities”, should be interesting to say the least...

Anyway, we are now seeing Wilson’s affidavits being pulled in mass just like the Stephan Affidavits...

I am also getting reports that affidavits are being pulled everywhere from multiple robo signers across the board..

I will have those documents on Monday. (Hint – Initials WC, CT, SS and more)

But for today, Kristine Wilson...

The Washington Post

Ally's GMAC unit withdraws foreclosure affidavits signed by second employee

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Attorneys for homeowners in Florida say Ally Financial's GMAC mortgage unit has begun to withdraw affidavits submitted in support of foreclosures that were signed by a second employee. Like Jeffrey Stephan—the document processor who admitted in sworn testimony that he signed 10,000 documents a month without reviewing them—Kristine Wilson signed as a “limited signing officer” for GMAC.

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Ally, which is majority-owned by the U.S. Treasury Department, did not immediately respond to requests for comment.

IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Application No. 1069

of

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawai'i

ORDER TO SHOW CAUSE

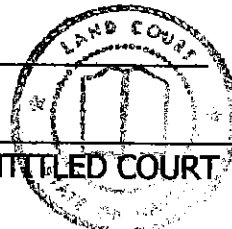
WHEREAS, JOYCELYN WANDA UNCIANO, (hereinafter "Petitioner") has filed
herein a Petition to Cancel Land Court Order 186175 and Amendment of Transfer
Certificate of Title No. 546,739:

IT IS HEREBY ORDERED that RESPONDENTS HOMECOMINGS FINANCIAL
NETWORK, INC., GMAC MORTGAGE, LLC, CITIFINANCIAL, INC. f.k.a. Associates
Financial Services Company of Hawaii, COLEEN E. TOM, TERRY LEE AND WENDY
BRELOW SCOTT, appear before this Court on SEP 26 2011 2011,
at 9:00 a.m./p.m., in the Courtroom of Gary W.B. Chang

Judge of the above-entitled court at Kaahumanu Hale, 777 Punchbowl Street, Honolulu,
Hawaii 96813, then and there to show cause why an Order should not be granted as to
said Petition to Cancel Land Court Order No. 186175 on Transfer Certificate of Title No.
546,739.

DATED: Honolulu, Hawaii, AUG - 4 2011

GARY W.B. CHANG
JUDGE OF THE ABOVE-ENTITLED COURT



IN THE LAND COURT OF THE STATE OF HAWAII

In the Matter of the Application

Application No. 1069

of

Trustees under the Will and of the
Estate of James Campbell, deceased,

to register and confirm title to land
situate at Honouliuli, District of Ewa,
City and County of Honolulu,
State of Hawai'i

CITATION

STATE OF HAWAII

TO: Respondents

HOMECOMINGS FINANCIAL NETWORK, INC.,
✓GMAC MORTGAGE, LLC,
CITIFINANCIAL, INC. f.k.a. Associates Financial Services Company of Hawaii,
COLEEN E. TOM,
TERRY LEE AND WENDY BELLOW SCOTT

Pursuant to the Order to Show Cause signed by the Honorable Judge of the Land
Court of the State of Hawaii dated AUG - 4 2011 2011, relating to
the Petition to Cancel Land Court Order No. 186175 on Transfer Certificate of Title No.
546,739, you Respondent HOMECOMINGS FINANCIAL NETWORK, INC., GMAC
MORTGAGE, LLC, CITIFINANCIAL, INC. f.k.a. Associates Financial Services Company of
Hawaii, COLEEN E. TOM, TERRY LEE AND WENDY BELLOW SCOTT, pursuant to
Hawaii Revised Statutes Section 501-201, as amended, are hereby cited and notified to
be and appear in the Courtroom of the Honorable Gary W.B. Chang,
Judge of the above-entitled Court on SEP 26 2011 2011, at 9:00 a.m./p.m.,

Kaahumanu Hale, 777 Punchbowl Street, Honolulu, Hawaii 96813, and then and there to show cause, if any you have, why the prayer of said Petition should not be granted.

AND, unless you appear at said Court at the time and place aforesaid, your default will be recorded, said Petition will be taken as confessed, and you will be forever barred from contesting said Petition or any Judgment, Decree or Writ entered herein.

WITNESS, the Assistant Registrar of the Land Court of the State of Hawaii, on

AUG - 4 2011, 2011.

ROY S. YANAGIHARA

Deputy

REGISTRAR OF THE LAND COURT